

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEROY FOSTER,

Plaintiff,

No. 08-CV-10725-DT

vs.

Hon. Gerald E. Rosen

THOMAS BIRKETT, et al.,

Defendants.

_____/

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S
COMPLAINT, IN ITS ENTIRETY, WITH PREJUDICE

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 23, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This Section 1983 civil rights action having come before the Court on the March 2, 2009 Report and Recommendation of United States Magistrate Judge Steven D. Pepe recommending that the Court grant Defendants' Motion for Summary Judgment and dismiss Plaintiff's Complaint, in its entirety, with prejudice; and no timely objections to the R & R having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' Motion should be granted; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of March 2, 2009 [**Dkt. # 28**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Summary Judgment [**Dkt. # 18**] is GRANTED.

IT IS FURTHER ORDERED that this case be DISMISSED, in its entirety, with prejudice.

Let Judgment be entered accordingly.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 23, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 23, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager